

REMARKS

Claims 1, 4 - 23 and 28 - 36 are presently pending.

Applicant thanks the Examiner for noting the allowable subject matter of claims 1, 4 - 20 and 28 - 29.

I. Claim Rejections - 35 U.S.C. § 103

Claims 21 - 23 and 30 - 36 stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over EP 854 045 (“Childers”) in view of U.S. Patent Application Publication No. 2002/0015066 (“Siwinski”). For the following reasons, this rejection is respectfully traversed.

Independent Claims 21, 30, 31 and 32

Independent claim 21 recites a flexible bag adapted to hold a liquid and a memory attached to the bag. The memory is a non-contact integrated circuit and a housing is formed with an aperture for enabling non-contact data communication between the integrated circuit and a device external to the housing. Independent claims 30, 31 and 32 recite similar structure. At least these features are altogether absent in the prior art relied upon as the basis for rejection.

The basis for rejection alleges that the Childers reference teaches or suggests an aperture as recited in the independent claims. More precisely, the basis for rejection compares the “pocket” of Childers (Fig. 3, element no. 70) to the aperture of the independent claims. This comparison is inapposite as explained below.

An aperture is an open space allowing passage.¹ In contradistinction, Childers’ pocket (Fig. 3, element 70) is not an aperture which allows passage. Indeed, pocket 70 is, at most, an

¹ Roget’s II: The New Thesaurus, Third Edition (Editors of the American Heritage Dictionary (1995)).

obstructed passage as chassis 16 maintains a physical barrier between pocket 70 and ink container 14. Moreover, Siwinski perpetuates Childers' deficiencies by utterly failing to teach or suggest anything even remotely resembling an aperture.

Stated differently, the basis for rejection compares the pocket 70 of Childers to the recitation of the independent claims wherein an aperture exposes the memory. This comparison is inapposite, as explained below.

Childers' memory IC 20 is not attached to the flexible bag 14, but to the housing 16. That is, Childers merely discloses a housing for accommodating an ink bag container wherein a memory IC 20 is attached to the housing. Therefore, any combination of Childers with Siwinski results with Childers' housing accommodating the ink container of Siwinski. In any such combination, however, the references fail to teach or suggest the memory IC of Siwinski being exposed because there fails to be any aperture in either of the Childers or Siwinski references.

Accordingly, it is asserted that independent claims 21, 30, 31 and 32 recite features that are altogether absent in the prior art used as the basis for rejection as explained above. In light of the previous, the Examiner is respectfully requested to reconsider and withdraw this rejection.

Dependent Claims 22 - 23 and 33 - 36

Dependent claims 22 - 23 and 33 - 36 are asserted as patentable at least by virtue of their dependencies upon respective base claims. Additionally as to claims 33 - 36, such claims are averred to be patentable for the additional recitation of the aperture being formed completely through the housing to expose the non-contact memory IC to the device external to the housing.

II. Examiner's Interview

In order to further discuss this application, Applicants wish to conduct an interview with the Examiner at a mutually convenient date and time. To that end, the Examiner is respectfully requested to contact the undersigned attorney via telephone at (202) 293-7060 to schedule such interview.

III. Conclusion

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,

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